IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE V.ESWARAIAH**

**WRIT PETITION NO : 25285 of 2003**

Between:

1 SK. Mahaboob Ali S/o Shaik Miya, Secretary, Pammy PACS, Mudigonda Mandal, Khammam District.
2 K. Nagachary s/o late Narasaiah, Secretary, Ramachandrapuram PACS, Nelakondapally Mandal, Khammam District.
3 K. Venkateswara Rao, S/o Ramaiah, Secretary, Paleru PACS, Kusumanchi Mandal, Khammam District.
4 D. Sree Ramulu s/o Ramanarasaiah, Secretary, Lingala PACS, Kamepally Mandal, Khammam District.
5 P. Sai Krishna Prasad, S/o Ramaiah, Secretary, Pusalapadu PACS, Wyra Mandal, Khammam District
6 N. Lakshmi Narayana, Secretary, Ashnagurthi PACS, Wrya Mandal, Khammam District.
7 D. Muthaiah S/o Narayana, Addl. Secretary, Kondaigudem PACS, Kamepally Mandal, Khammam District
8 B. Ramanadham s/o Iealaiah, Secretary, Vallapuram PACS, Mudigonda Mandal, Khammam District.
9 S. Niranjan, S/o S.V. Krishna, Secretary, Medepally PACS, Mudigonda Mandal, Khammam District.
10 S. Venkata Rama Narasaiah, Secretary, Tirumalayapalem PACS,Tirumalayapalem Mandal, Khammam District.
11 S. Parameswara Rao, S/o Gopaiah, Addl. Secretary, Illandu PACS, Illandu Mandal, Khammam District
12 V. Babu Rao S/o Rathaiah, Secretary,Bodulabanda PACS Nelakondapally Mandal, Khammam District
13 Md. Afzalmiya, S/o Johnimiya, Secretary, Karepally LSCS,Singareni Mandal, Khammam District
14 V. Gopala Rao S/o Mallaiah, Secretary, Mudigonda LSCS, Mudigonda Mandal, Khammam District
15 R. Ramprasad, Secretary, Thallampadu PACS, Khammam Rural Mandal, Khammam District

16 K. Rama Rao S/o Subbaiah, Secretary,
Venkatayapalem PACS, Khammam Urban Mandal,
Khammam District.

17 R. Rajeswara Rao S/o Late Lakshmi Narayana
Secretary, Nachepally PACS, Nelakondapally Mandal,
Khammam District.

18 Y. Ramakrishna Babu S/o Bhadraiah, Secretary,
Pedda Beeravalli,PACS,Bonakallu Mandal, Khammam
District.

19 Ch. Venkateswarlu, Additional Secretary, Khammampadu
PACS, Madira Mandal, Khammam District

..... PETITIONERS

AND

1 The Government of A.P., rep. by its Secretary, Cooperation
Department, Secretariat, Hyderabad

2 The Commissioner for Cooperation and Registrar of
Cooperative Societies, Govt. of A.P., Hyderabad.

3 The District Cooperative Officer, Khammam, Khammam
District.

4 The Divisional Cooperative Officer, Khammam, Khammam
District.

5 The Divisional Cooperative Officer, Kothagudem,
Khammam District

6 The Khammam District Cooperative Central Bank Ltd.,
Khammam, Khammam District rep. by its General
Manager.

7 The Pammy PACS, Mudigonda Mandal, Khammam District,
rep. by its Chairman/PIC

8 The Ramachandrapuram PACS, Nelakondapally mandal,
Khammam District rep., by its Chairman /PIC

9 The Paleru PACS, Kusumanchi Mandal, Khammam District
rep. by its Chairman /PIC.

10 The Lingala PACS, Kamepally Mandal, Khammam District
rep. by its Chairman/PIC

11 The Pusalapadu PACS, Wyra Mandal, Khammam District
rep. by its Chairman/PIC.

12 The Ashnagurthi PACS, Wyra Mandal, Khammam District
rep. by its Chairman /PIC.

13 The Kondaigudem PACS,Kamepally Mandal, Khammam
District, rep. by its Chairman /PIC.

14 The Vallapuram PACS, Mudigonda Mandal, Khammam
District, rep. by its Chairman /PIC.

15 The Medepally PACS, Mudigonda Mandal Khammam District

rep. by its Chairman /PIC.

16 The Tirumalayapalem PACS, Tirumalayapalem Mandal, Khammam District rep. by its Chairman /PIC.

17 The Illandu PACS, Illandu Mandal, Khammam District rep. by its Chairman /PIC.

18 The Bodulabanda PACS, Nelakondapally Mandal Khammam District rep. by its Chairman /PIC.

19 The Karepally L.S.C.S. Singareni Mandal, Khammam Dist rep. by its Chairman /PIC.

20 The Mudigonda L.S.C.S., Mudigonda Mandal, Khammam District, rep. by its Chairman /PIC.

21 The Thallampadu PACS, Khammam Rural Mandal, Khammam District, rep. by its Chairman /PIC.

22 The Venkatapalem PACS, Khammam Urban Mandal, Khammam District, rep. by its Chairman /PIC.

23 The Nachepally PACS, Nelakondapally Mandal, Khammam District, rep. by its Chairman /PIC.

24 The Pedda Beeravalli PACS, Bonakallu Mandal, Khammam District, rep. by its Chairman /PIC.

25 The Khammampadu PACS, Madira Mandal, Khammam District, rep. by its Chairman /PIC.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned action of the respondents in not paying salaries to the petitioners under the guise of implementing Section 116-C of the A.P.C.S.Act by not taking into consideration the amounts recoverable due to the society within the meaning of gross profit as highly illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India.

Counsel for the Petitioners: MR.G.V.SHIVAJI

Counsel for Respondent Nos 1 to 5: GP FOR COOPERATION
Counsel for Respondent Nos 6 ,7 & 10: MR.P.M.GOPAL RAO

Counsel for Respondent Nos.8,9, 11 to 25: None appeared

**The Court made the following order:**

Learned counsel appearing for the petitioners submits that the subject matter of this writ petition is squarely covered by the judgment of this Court in W.P.No.3171 of 2003 and batch dated 30-8-2004.

Following the said judgment, this writ petition is dismissed by and in terms thereof. No costs.

9-9-2004

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To,

1 The Secretary, Cooperation Department, Secretariat, Hyderabad. (with a copy of order dated 30-8-2004 in W.P.No. 3171 of 2003 and batch).
2 The Commissioner for Cooperation and Registrar of Cooperative Societies, Govt. of A.P., Hyderabad.
3 The District Cooperative Officer, Khammam, Khammam District.
4 The Divisional Cooperative Officer, Khammam, Khammam District.
5 The Divisional Cooperative Officer, Kothagudem, Khammam District
6 The Khammam District Cooperative Central Bank Ltd., Khammam, Khammam District rep. by its General Manager.
7 The Pammy PACS, Mudigonda Mandal, Khammam District, rep. by its Chairman/PIC
8 The Ramachandrapuram PACS, Nelakondapally mandal, Khammam District rep., by its Chairman /PIC
9 The Paleru PACS, Kusumanchi Mandal, Khammam District rep. by its Chairman /PIC.
10 The Lingala PACS, Kamepally Mandal, Khammam District rep. by its Chairman/PIC
11 The Pusalapadu PACS, Wyra Mandal, Khammam District rep. by its Chairman/PIC.
12 The Ashnagurthi PACS, Wyra Mandal, Khammam District rep. by its Chairman /PIC.
13 The Kondaigudem PACS,Kamepally Mandal, Khammam

District, rep. by its Chairman /PIC.

14 The Vallapuram PACS, Mudigonda Mandal, Khammam District, rep. by its Chairman /PIC.

15 The Medepally PACS, Mudigonda Mandal Khammam District rep. by its Chairman /PIC.

16 The Tirumalayapalem PACS, Tirumalayapalem Mandal, Khammam District rep. by its Chairman /PIC.

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24 The Pedda Beeravalli PACS, Bonakallu Mandal, Khammam District, rep. by its Chairman /PIC.

25 The Khammampadu PACS, Madira Mandal, Khammam District, rep. by its Chairman /PIC.

26. 2CCs to Government Pleader for Cooperation, High Court of Andhra Pradesh, Hyderabad. (OUT)

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